

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2002-211-T - ORDER NO. 2002-748

OCTOBER 23, 2002

IN RE:	Application of TT & B Relocations, LLC, 30)	ORDER GRANTING
	Bufflehead Drive, Kiawah Island, SC 29455)	CERTIFICATE
	for a Class E Certificate of Public)	
	Convenience and Necessity to Transport)	
	Commodities.)	

I. INTRODUCTION

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Application of TT& B Relocations, LLC (TT&B or the Company) for a Class E Certificate of Public Convenience and Necessity to transport commodities as follows:

Household Goods, As Defined in R. 103-210(1):
between points and places in Charleston, Berkeley, Dorchester
and Colleton Counties, SC and points and places in
South Carolina.

This requested authority was subsequently downwardly amended as follows:

Household Goods, As Defined in R. 103-210(1):
between points and places in Charleston, Berkeley,
and Dorchester Counties, SC.

The Commission's Executive Director instructed the Company to publish a Notice of Filing one time in newspapers of general circulation in the areas requested to be served. The Notice of Filing gave instructions on how the public could participate in the process. The Company filed affidavits to show that it had complied with the instructions

of the Executive Director. A Petition to Intervene was received from Kohler Moving & Storage, Inc. (Kohler or the Intervenor).

Accordingly, a hearing was held on October 16, 2002 at 10:30 AM in the offices of the Commission. The Honorable Mignon Clyburn, Chairman, presided. TT& B was represented by Andrea H. Brisbin, Esquire. TT&B presented the testimony of Eric Kautz and Thomas Briscoe. The Intervenor was represented by Lowdnes Pope, Esquire. The Intervenor presented the testimony of Albert Kohler. The Commission Staff (the Staff) was represented by F. David Butler, General Counsel. The Staff presented the testimony of L. George Parker, Jr., Manager of the Commission's Transportation Department.

The Company first presented the testimony of Eric Kautz, President of the Company. Kautz stated that TT&B plans to offer an alternative program to customers who cannot afford traditional moving services, although the Company plans to offer those traditional services as well. A TT&B customer can opt to rent a truck and have TT&B perform packing and unpacking services and furnish packing materials, for example. Further, the Company can coordinate the delivery of a POD to the customer for the packing of goods. Kautz testified as to the details of the Company's equipment, insurance, and finances. Although, Kautz testified that he had had a personal bankruptcy, he stated that it had been discharged in August or September of 2002. The Company had no judgments on file against it.

Kautz testified that he had a number of years experience in the moving business, and that he turned down two to three jobs a week from people who wanted full moving services, since TT&B did not have a Certificate, and those customers could not drive

their own truck. Kautz testified that there was a real need for the Company's services in the Charleston, Berkeley, and Dorchester County areas.

Thomas Briscoe, a shareholder in the Company, also testified. Briscoe testified to having twenty-two years experience in the moving business, and having worked for almost all the national van lines. Briscoe stated that the Company believed in customer satisfaction, and that he would strive to see that the customers of the Company were satisfied with the services rendered to them.

Albert Kohler testified as a witness for the Intervenor Kohler Moving & Storage, Inc. Kohler stated that he had been in the moving business between eighteen and nineteen years, and that there are nine full service movers in Charleston at present. Kohler noted that there is no need for another full service mover in the Charleston area at present. Kohler stated that he had lost \$70,000 in business during his last business year. Kohler also noted that he has idle equipment during the winter season.

L. George Parker, Jr., Manager of the Commission's Transportation Department, testified for the Commission Staff. Parker stated that he had inspected the Company's truck, and found it to be in reasonable shape for the purpose of servicing the three counties applied for in the Application. Parker also outlined the contents of a memorandum authored by Commission Inspector Chuck Hinson during the course of his contact with the Company. It appears that the Company completed intrastate moves without authority prior to the contact with Inspector Hinson. However, Hinson counseled the Company to apply for the proper Certificate from the Commission and asked Company representatives to refrain from the intrastate movement of household goods

until it received the proper Certificate from this Commission. (Company witness Kautz had stated that he had no knowledge that in-state certification was required prior to completing household goods moves within South Carolina. Kautz stated that the Company concentrated on packing and unpacking services after the warning from Inspector Hinson, and applied for authority from this Commission.)

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. S.C. Code Ann. Section 58-23-590(C) (Supp. 2001) states that the Commission shall issue a common carrier certificate of public convenience and necessity if the applicant proves to the Commission that: (1) it is fit, willing, and able to properly perform the proposed service and comply with the provisions of this chapter and the Commission's regulations and (2) the proposed service, to the extent to be authorized by the certificate or permit, is required by the present public convenience and necessity. Regulation 103-133(1) requires that the public convenience and necessity criterion be shown by the use of "shipper witnesses." However, in Order No. 1999-654, we first granted a waiver of the "shipper witness requirement" when the applicant sought authority in three or fewer counties, citing the difficulty for a proposed small operator to obtain shipper witnesses. We continue the waiver in the present case. Of course, the public convenience and necessity statutory requirement remains.

2. The Applicant has demonstrated that it is fit, willing, and able to perform the services sought by the amended Application. The testimony of Company witnesses Kautz and Briscoe reveals that TT&B is fit, willing, and able under the standards contained in 26 S.C. Regs. 103-133. Further, we find that the testimony of Kautz and

Briscoe indicate that the proposed service is required by the present public convenience and necessity. While we are mindful of Intervenor witness Kohler's testimony that no additional movers are needed in the requested area, we believe that the services that TT&B wishes to offer are somewhat different from those provided by the Intervenor. We think that TT&B's willingness to offer various alternatives to its customers in addition to full service moving are attractive and are needed in the area requested. It is clear that TT&B intends to offer less expensive packing and unpacking alternatives to those customers who want these services. We believe that these alternatives are reasonable to offer in addition to full service moves.

3. Based upon the record before the Commission and the statutory requirements, along with the guidelines contained in the Commission's regulations, we find sufficient evidence to grant the amended Application and therefore grant to TT&B Relocations, LLC a Class E Certificate of Public Convenience and Necessity for the movement of household goods between points and places in Charleston, Berkeley, and Dorchester Counties, South Carolina. This grant of authority is contingent upon compliance with all Commission regulations as outlined below.

4. The Commission Staff shall examine any Bills of Lading used by the Company and shall make sure that they are in compliance with the Commission's rules and regulations. Further, Staff shall ensure that any complaints filed against the Company are addressed by the Commission.

IT IS THEREFORE ORDERED THAT:

1. The Application of TT&B Relocations, LLC for a Class E Certificate of Public Convenience and Necessity be, and hereby is, approved for authority to transport household goods between points and places in Charleston, Berkeley, and Dorchester Counties, South Carolina.

2. TT&B Relocations, LLC shall file the proper license fees and other information required by S.C. Code Ann. Section 58-23-10 et seq. (1976), as amended, and by R.103-100 through R.103-241 of the Commission's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 26 (1976), as amended, and R.38-400 through 38-503 of the Department of Public Safety's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 23A (1976), as amended, within sixty (60) days of the date of this Order, or within such additional time as may be authorized by the Commission.

3. Upon compliance with S.C. Code Ann. Section 58-23-10, et seq. (1976), as amended, and the applicable Regulations for Motor Carriers, S.C. Code Ann., Vol. 26 (1976), as amended, a Certificate shall be issued to TT&B Relocations, LLC authorizing the motor carrier services granted herein.

4. Prior to compliance with the above-referenced requirements and receipt of a Certificate, the motor carrier services authorized herein shall not be provided.

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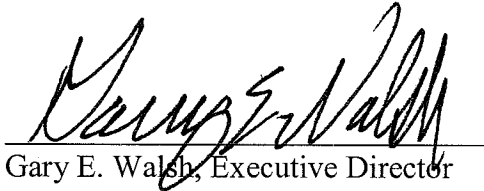
5. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



Mignon L. Clyburn, Chairman

ATTEST:



Gary E. Walsh, Executive Director

(SEAL)